REMARKS/ARGUMENTS

Claim Rejections – 35 USC 102

In section 1 of the Office Action, the Examiner rejected Claims 1, 3, 6-11, 13, and 16-22 under 35 USC 102(e) as being anticipated by US Patent No. 6,647,257 B2 to Owensby, herein referred to as the "Owensby patent."

Specifically, regarding Claim 1, the Examiner stated that the Owensby patent discloses, in col. 15, lines 32-54 and col. 17, lines 25-54, a system for providing messages, which reads on the "context sensitive dynamic data," via wireless networks. Further, the Examiner stated that the Owensby patent discloses an Advertiser (Sponsor), which reads on the claimed "information source element," configured to provide data to a Mobile Switch Center 18 (referring to col. 14, lines 31-38). The Examiner stated that the Mobile Switch Center reads on the claimed data service element and uses the provided data to register with a Call Management System 20. The Examiner stated that the Call Management System 20 reads on the claimed directory service element. In addition, the Examiner stated that a wireless terminal 12 reads on the claimed client, and subsequently requests a service from an Ad Content Data 24. The Examiner stated that the Ad Content Data reads on the claimed directory service polling subelement, and that the Ad Content Data sends a lookup query to the Call Management System 20. The Examiner stated that the Call Management System provides services matching those requested by the wireless terminal to an Ad Chooser Server 22, which, in turn, contains a Candidate Discriminator Module 21. The Examiner stated that the Discriminator Module reads on the claimed candidate service filtering sub-element, and the Discriminator Module isolates the candidate services and submits them to an Ad Target Data 25. The Examiner stated that the Ad Target Data reads on the claimed target service filtering sub-element. Further, the Examiner stated that the Ad Target Data is isolated and provided to the wireless terminal and the isolated candidate services as a basis for registering the wireless terminal interest with a Historical Response Data 28. The Examiner stated that the Historical Response Data provides an updated service entry of candidate services to the target service filtering sub-element and the directory service update decision sub-element provides an updated service entry to the Call Management System 20, col. 16, lines 3-51 and col. 19, lines 39-54 of the Owensby patent.

In order to establish a prima facie case of anticipation, the Examiner must set forth an argument that provides (1) a single reference (2) that teaches or enables (3) each of the claimed elements (as arranged in the claim) (4) either expressly or inherently and (5) as interpreted by one of ordinary skill in the art. All of these factors must be present, or a case of anticipation is not met. Thus, "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." W.L. Gore & Associates v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983).

The Applicants respectfully submit that the Owensby patent does not teach all of the claim limitations of Claim 1. Specifically, the Applicants assert that the Owensby patent does not teach, disclose, or suggest many of the elements claimed in Claim 1.

The Applicants submit that the Owensby patent discloses a system and method for providing targeted messages to a subscriber of a wireless mobile communications service, see col. 11, lines 18-20. Claim 1 claims, in part, "a client subsequently requests a service from a directory service polling subelement" The Examiner stated that the wireless terminal reads on the "client" and the Ad Content Data reads on the "directory service polling subelement." The Applicants submit that the Owensby patent does not teach, disclose or suggest "a client subsequently requests a service fro a directory service polling subelement," as is claimed in Claim 1.

As explained in the abstract of the Owensby patent, what is disclosed is "[a] system and method ... for inserting messages and, in particular, commercial information or advertisements, into a wireless mobile communication. The messages are targeted to the subscriber on the basis of the location of the terminal at the time of the wireless mobile communication; demographic and personal perforce data pertaining to the subscriber; or the historical movement patterns of the subscriber." The Applicants submit that the subscriber is being targeted for messages and is not "requesting a service," as is claimed in Claim 1.

Further, the Examiner stated that the Owensby patent teaches that the wireless terminal requests a service from the Ad Content Data. The Applicants disagree with the conclusion drawn by the Examiner. Col. 15, lines 2-8 state, "[t]he Data Input/Output, Storage and Retrieval System 40 comprises a first electronic data input, storage and retrieval device 44 for manipulating messages, referred to herein as Ad Content Data 24,

to be targeted to the subscriber of the wireless mobile communications service." Additionally, col. 16, lines 3 though 12 state, "[p]referably, the call signal, and the Wireless Mobile Location Data and the Subscriber Identification Code included with the call signal, is transmitted to the Ad Chooser Server 22 of the Call Management System 20 to identify the subscriber as well as the wireless mobile location of the subscriber. The predetermined criteria [sic] of the Ad Target Data 25 is then compared to the Wireless Mobile Location Data and to the Subscriber Profile Data 26 to choose the messages to be targeted to the subscriber from the pre-selected messages of the Ad Content Data 24." The Applicants submit that the Owensby patent teaches that the Wireless Mobile Location Data and Subscriber Profile Data is used to choose messages to be targeted to the subscriber. In contrast, the present application claims "a client subsequently requests a service from a directory service polling subelement." Therefore, the Applicants submit that the Owensby patent does not teach, disclose or suggest "a client subsequently requests a service from a directory service polling subelement... ."

Claim 1 further claims, in part, "a directory service polling subelement, which sends a lookup query to the directory service" The Examiner stated that the Call Management System 20 of the Owensby patent reads on the directory service, and the Ad Content Data reads on the directory service polling subelement. As previously stated, above, in col. 15, lines 5-6, the Ad Content Data 24 is a plurality of pre-selected messages. Given that the Ad Content Data is a plurality of pre-selected messages, the Applicants do not understand how the Examiner has interpreted the Owensby patent to teach that the Ad Content Data sends a lookup query, as databases do not send queries. The Applicants respectfully request that if the Examiner continues to maintain his position that the Ad Content Data sends a lookup query, that the Examiner further explain how he is interpreting the Owensby patent to teach this element. Thus, the Applicants submit that the Owensby patent does not teach, disclose or suggest "a directory service polling subelement, which sends a lookup query to the directory service."

Additionally, Claim 1 claims, in part, "the directory service which, in turn provides services matching those requested by the client" The Examiner stated that the Owensby patent teaches that the Call Management System 20 provides services

matching those requested by the wireless terminal 12. The Applicants respectfully disagree.

The Applicant is unsure where in the Owensby patent the Examiner finds this limitation taught, disclosed or suggested. The Examiner asserted that the Owensby patent teaches this limitation, but has not explained to the Applicants where in the Owensby patent that he believes this limitation is taught. Thus, the Applicants respectfully request that the Examiner indicate where in the Owensby patent this limitation is taught, disclosed or suggested.

The Applicants submit that this limitation is not taught by the Owensby patent. Col. 16, lines 3-17 of the Owensby patent states, "[p]referably, the call signal, and the Wireless Mobile Location Data and the Subscriber Identification Code included with the call signal, is transmitted to the Ad Chooser Server 22 of the Call Management System 20 to identify the subscriber as well as the wireless mobile location of the subscriber. The predetermined criteria [sic] of the Ad Target Data 25 is then compared to the Wireless Mobile Location Data and to the Subscriber Profile Data 26 to choose the messages to be targeted to the subscriber from the pre-selected messages of the Ad Content Data 24. Accordingly, the messages chosen by the Ad Chooser Server 22 from the Ad Content Data 24 based on the Ad Target Data 25 are further targeted to the subscriber corresponding to the wireless mobile terminal 12 identified by the Subscriber Identification Code on the basis of the predetermined Subscriber Profile Data 26." (emphasis added) Thus, the Owensby patent teaches that the messages to be targeted to the wireless terminal are chosen by the Ad Chooser Server based on Ad Target Data. The Applicants submit that this is not the same thing as "services matching those requested by the client" as is claimed in Claim 1. Therefore, the Owensby patent does not teach, disclose or suggest this limitation.

Further, Claim 1 claims, in part, "a target service filtering subelement; where target services are isolated and provided to the client" The Examiner stated that the Owensby patent teaches that candidate services are isolated, and are submitted to an Ad Target Data 25, which reads on the claimed "target service filtering sub-element." The Examiner continued by saying that the Ad Target Data 25 are isolated and provided to the wireless terminal 12. The Applicants do not understand the Examiner's rejection

regarding this element. The Examiner appears to be reasoning that the Ad Target Data 25 is both the target service filtering subelement and the target services. The Applicants submit that the Ad Target Data 25 cannot be both the target service filtering subelement and the target services. In the Owensby patent, the Ad Target Data 25 is defined in col. 15, lines 8-10 as a "first database further includes predetermined criteria for choosing the messages to be targeted to the subscriber, referred to herein as Ad Target Data 25." The Applicants submit that a database is not a target service filtering subelement, and thus that the Owensby patent does not teach, disclose or suggest, this limitation.

For the above-mentioned reasons, the Applicants request that the Examiner withdraw this rejection and allow Claim 1.

Claims 2-8

Claims 2-8 are dependent upon Claim 1. For the reasons given above, the Applicants submit that Claim 1 is patentable over the cited prior art. Thus, the Applicants submit that Claims 2-8 are also patentable over the cited prior art, at least through their dependence upon an allowable base claim.

Claim 10

The same arguments made above with reference to Claim 1 can be applied to Claim 10. Thus, the Applicants submit, for the reasons given above with respect to Claim 1, that Claim 10 is patentable over the cited prior art.

Claims 11-19

Claims 11-19 are dependent upon Claim 10. For the reasons given above, the Applicants submit that Claim 10 is patentable over the cited prior art. Thus, Claim 11-19 are also patentable over the cited prior art, at least through their dependence upon an allowable base claim.

Claim 20

Claim 20 claims, in part, "the data is dynamically updated" The Examiner stated that the Owensby patent teaches this limitation in col. 17, lines 54-67 and col. 18,

lines 1-10. The Applicants respectfully disagree. Col. 18, lines 4-10 state "[t]he Ad Selection Code is then manipulated to select an appropriate advertisement for the subscriber based on the geographical location of the subscriber, the demographics and preferences of the subscriber, the advertisements previously provided to the subscriber and the data and time of the call." The Applicants are unaware where in the section of the Owensby patent cited by the Examiner that the "data is dynamically updated" as is claimed by Claim 20. Admittedly, an advertisement is sent based on the wireless devices location, but the Applicants submit that the Owensby patent does not teach, disclose or suggest dynamically updating the data. Thus, the Applicants submit that Claim 20 is patentable over the cited prior art.

Claims 21 and 22

Claims 21 and 22 are patentable upon Claim 20. For the reasons given above, Claim 20 is patentable over the cited prior art. Therefore, Claims 21 and 22 are also patentable over the cited prior art, at least through their dependence upon an allowable base claim.

Concluding Remarks:

In view of the foregoing, it is respectfully submitted that all now pending claims 1-22 are in allowable condition. Reconsideration is respectfully requested. Accordingly, early allowance and issuance of this application is respectfully requested. Should the Examiner have any questions regarding this response or need any additional information, please contact the undersigned at (310) 589-8158.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 50-2691. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 50-2691.

Respectfully submitted,

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